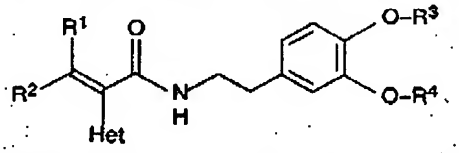
APPENDIX I:

CLAIM AMENDMENTS:

Amend Claims 1, 2 and 7 to 10, and enter new Claims 13 to 18, as indicated in the following listing of the claims:

1. (*currently amended*) Phenethylacrylamides of the formula I



in which the substituents R^1, R^2, R^3 and R^4 have the following meanings:

R^1 is halogen, C_1-C_4-alkyl, C_1-C_4-alkoxy, C_3-C_{10}-cycloalkyl, ~~C_1-C_4-haloalkoxy~~ or C_1-C_4-haloalkyl;

R^2 is hydrogen;

R^3 is C_1-C_4-alkyl, C_1-C_4-haloalkyl, propargyl, C_3-C_4-alkenyl or $-H_2C-C\equiv C-C(R^a,R^b)-R^c$, where R^a, R^b independently of one another are hydrogen or methyl and R^c is hydrogen or C_1-C_4-alkyl;

R^4 is methyl or C_1-haloalkyl; and

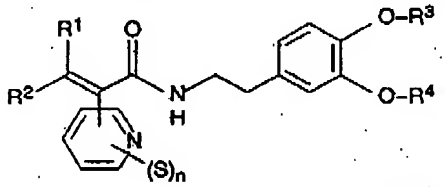
Het is a 5- or 6-membered heteroaromatic ring which may contain a fused 5- or 6-membered carbocycle and which is selected from among heteroaromatic rings containing 1, 2, 3 or 4 nitrogen atoms as ring members, heteroaromatic rings which contain 1 or 2 nitrogen atoms and 1 or 2 further heteroatoms selected from among oxygen or sulfur as ring members, and heteroaromatic rings which have 1 or 2 heteroatoms selected from among oxygen and sulfur as ring members, Het being unsubstituted or it being possible for Het to contain 1, 2 or 3 substituents S selected from among halogen, C_1-C_4-alkyl, C_1-C_4-haloalkoxy, C_1-C_4-haloalkyl and C_1-C_4-alkoxy.

2. (*currently amended*) A phenethylacrylamide of the formula I as claimed in claim 1, wherein R^1 is C_1-C_4-alkyl or C_3-C_6-cycloalkyl~~, in particular ethyl, isopropyl, tert-butyl or cyclopropyl~~.

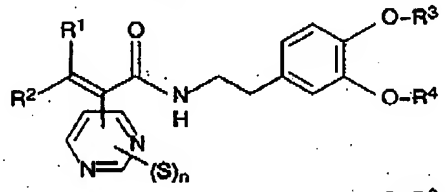
3. (*previously presented*) A phenethylacrylamide of the formula I as claimed in claim 1, wherein Het is selected from among pyridyl, pyrimidinyl, pyrazinyl, pyrrolyl, thienyl, furanyl, pyrazolyl, imidazolyl, oxazolyl, isoxazolyl, thiazolyl and isothiazolyl.

4. (*previously presented*) A phenethylacrylamide of the formula I as claimed in claim 1, wherein Het contains one or two substituents S which are bonded to those ring atoms which are not adjacent to the linkage site forming the double bond.

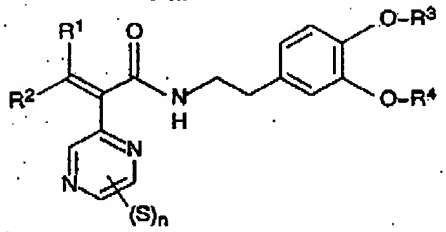
5. (*original*) A phenethylacrylamide of the formulae I.1, I.2 and I.3



(I.1)



(I.2)

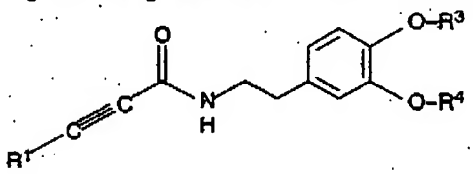


(I.3)

in which the substituents S, R^1, R^2, R^3 and R^4 have the abovementioned meanings and n is 1 or 2, and S is not bonded in the ortho position relative to the linkage site.

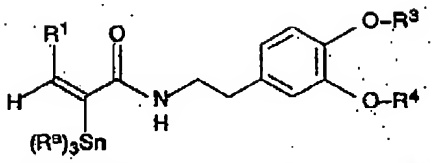
6. (*previously presented*) A process for the preparation of a phenethylacrylamide of the formula I as claimed in claim 1, wherein R^2 is hydrogen and R^1 is hydrogen, C_1-C_4-alkyl, C_3-C_8-cycloalkyl or C_1-C_4-haloalkyl, and Het, R^3 and R^4 have the abovementioned meanings, comprising the following steps:

a) reaction of a phenethylamide of the formula II,



(II)

in which the substituents R^1, R^3 and R^4 have the abovementioned meanings, with a trialkylstannane $(R^a)_3SnH$, wherein R^a is alkyl resulting in a compound of the formula III



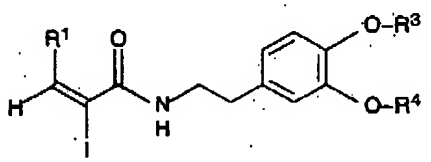
(III)

wherein the substituents R^a, R^1, R^3 and R^4 have the abovementioned meanings, and

b) reaction of the compound III obtained in step a) with a compound Het-Hal, wherein Hal is bromine or iodine and Het has the meaning given in claim 1, in the presence of catalytically active amounts of a transition metal compound of a group VIII metal;

or

a') reaction of a compound of the formula II with at least stoichiometric amounts of iodine, resulting in a compound of the formula IV

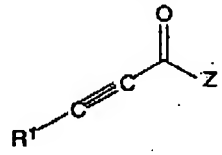


(IV)

wherein the substituents R^1, R^3 and R^4 have the abovementioned meanings, and

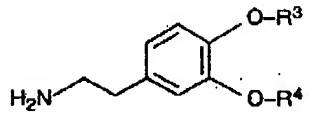
b') reaction of the compound IV obtained in step a') with a stannane of the formula $(R^a)_3Sn$-Het, wherein Het has the meaning stated in claim 1, in the presence of catalytically active amounts of a transition metal compound of a group VIII metal.

7. (*currently amended*) A process as claimed in claim 6, additionally comprising the preparation of the phenethylamide of the formula II, wherein a propiolic acid compound of the formula V



(V)

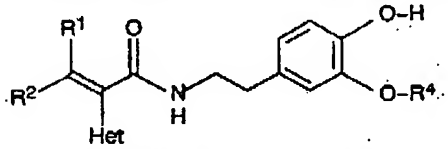
wherein R^1 ~~has the abovementioned meaning~~ is hydrogen, C_1-C_4-alkyl, C_3-C_8-cycloalkyl or C_1-C_4-haloalkyl. and Z is halogen or OH, is reacted in a manner known per se with a phenethylamine of the general formula VI



(VI)

wherein R^3 and R^4 have the abovementioned meanings.

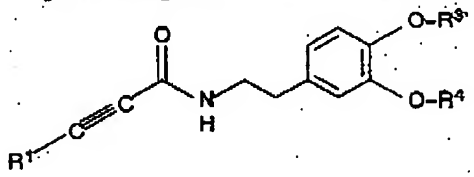
8. (*currently amended*) A process for the preparation of a phenethylacrylamide as claimed in claim 1 of the formula I, wherein a phenethylacrylamide of the formula ~~I where R^3 = H~~



(~~I (R^3 = H)~~)

wherein Het, R^1, R^2 and R^4 have the abovementioned meanings, is reacted with a compound of the formula R^3-Y, wherein R^3 has the abovementioned meaning and Y is a nucleophilically displaceable leaving group.

9. (*currently amended*) A phenethylamide of the formula II'



(II')

wherein ~~the substituents~~

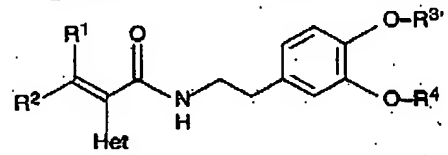
R^1 is halogen, C_1-C_4-alkyl, C_1-C_4-alkoxy, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl; ~~and~~

R^4 is methyl or C_1-haloalkyl; and

~~have the abovementioned meanings,~~

$R^{3'}$ ~~has the meanings stated for R^3~~ is C_1-C_4-alkyl, C_1-C_4-haloalkyl, propargyl, C_3-C_4-alkenyl or $-H_2C-C\equiv C-C(R^a,R^b)-R^c$, where R^a, R^b independently of one another are hydrogen or methyl and R^c is hydrogen or C_1-C_4-alkyl; or $R^{3'}$ is hydrogen or an OH protecting group.

10. (*currently amended*) A phenethylacrylamide of the formula I':



(I')

wherein ~~Het, R^1, R^2 and R^4 have the abovementioned meanings~~

R^1 is halogen, C_1-C_4-alkyl, C_1-C_4-alkoxy, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl;

R^2 is hydrogen;

R^4 is methyl or C_1-haloalkyl;

Het is a 5- or 6-membered heteroaromatic ring which may contain a fused 5- or 6-membered carbocycle and which is selected from among heteroaromatic rings containing 1, 2, 3 or 4 nitrogen atoms as ring members, heteroaromatic rings which contain 1 or 2 nitrogen atoms and 1 or 2 further heteroatoms selected from among oxygen or sulfur as ring members, and heteroaromatic rings which have 1 or 2 heteroatoms selected from among oxygen and sulfur as ring members, Het being unsubstituted or it being possible for Het to contain 1, 2 or 3 substituents S selected from among halogen, C_1-C_4-alkyl, C_1-C_4-haloalkoxy, C_1-C_4-haloalkyl and C_1-C_4-alkoxy; and

$R^{3'}$ is hydrogen or an OH protecting group.

11. (*previously presented*) A composition for controlling phytopathogenic harmful fungi comprising a solid or liquid carrier and a compound of the formula I as claimed in claim 1.

12. (*previously presented*) A method of controlling phytopathogenic harmful fungi, which comprises treating the fungi or the materials, plants, the soil or seed to be protected from fungal infection with an effective amount of a compound of the formula I as claimed in claim 1.

13. (*new*) The phenethylacrylamide of the formula I as claimed in claim 1, wherein R^1 is C_1-C_4-alkyl, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl.

14. (*new*) A phenethylacrylamide as claimed in claim 2, wherein R^1 is ethyl, isopropyl, tert-butyl or cyclopropyl.

15. (*new*) The process of claim 6, wherein R^1 is C_1-C_4-alkyl, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl.

16. (*new*) The process of claim 7, wherein R^1 is C_1-C_4-alkyl, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl.

17. (*new*) The phenethylamide of the formula II' as claimed in claim 9, wherein

R^1 is halogen; or

R^4 is C_1-haloalkyl; or

$R^{3'}$ is C_3-C_4-alkenyl or an OH protecting group.

18. (*new*) The phenethylacrylamide of the formula I' as claimed in claim 10, wherein R^1 is C_1-C_4-alkyl, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl.